

REMARKS

Claims 66-70, 74, 78, 80, 84-88, 93, 97-101, 105-132, 139-145, and 147-150 were pending. In the Office Action dated February 17, 2005, the Examiner rejected claims 66-70, 74, 78, 80, 84-88, 93, 97-101, 105-132, 139-145, and 147-150. Applicants herein have amended claim 117 to correct its dependency and have amended claims 143-145 to correctly reflect the composition of the control cells, as suggested by the Examiner. The specification has been amended to clarify the priority claim and to insert the patent number of the parent application. No new matter has been added. Accordingly, claims 66-70, 74, 78, 80, 84-88, 93, 97-101, 105-132, 139-145, and 147-150 are pending.

In light of the amendments and remarks herein, Applicants respectfully request withdrawal of the rejections and allowance of all pending claims.

Objections

The Examiner objected to claim 117 as it appeared that it should depend from claim 116 rather than 106. Applicants have amended claim 117 to depend from claim 116. Applicants respectfully request withdrawal of the objection.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 93, 97-101, 105-109, 116, 117, 124, 125, 128, 131, 132, 143-145, 149, and 159 under 35 U.S.C. § 112, second paragraph, for the reasons of record in the Office Action dated February 24, 2004. In particular, the Examiner stated that claims 143-145 should be amended to omit the GPCR from controls cells, as done previously in claims 139-142. Applicants have amended claims 143-145 to omit the GPCR from control cells. Accordingly, Applicants respectfully request withdrawal of the rejections.

Double Patenting

The Examiner rejected claims 66-70, 74, 78, 80, 84-88, 93, 97-101, 105-132, 139-145, and 147-150 under the judicially-created doctrine of obviousness-type double patenting as being

Applicant : Paul Negulescu et al.
Serial No. : 09/468,002
Filed : December 20, 1999
Page : 19 of 20

Attorney's Docket No.: 15916-023002 / 440.1 CON

unpatentable over claims 1-27 of U.S. Patent No. 6,004,808. Applicants have herein filed a terminal disclaimer in compliance with 37 C.F.R. §§ 1.321(c) and 3.73(b) signed by a registered attorney of record. Both the conflicting patent (U.S. Pat. No. 6,004,808) and the present application are commonly owned by assignee Invitrogen Corporation. Accordingly, Applicants respectfully request withdrawal of the rejection.

Applicant : Paul Negulescu et al.
Serial No. : 09/468,002
Filed : December 20, 1999
Page : 20 of 20

Attorney's Docket No.: 15916-023002 / 440.1 CON

CONCLUSION

Applicants respectfully assert that all claims are in condition for allowance, which action is requested. The Examiner is invited to telephone the undersigned attorney if such would expedite prosecution.

Enclosed is a \$130 check for the terminal disclaimer fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

5/17/05



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